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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,183	07/13/2000	Vincent H. Curley	MSFT115462	3712

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

TRAN, PHILIP B

ART UNIT PAPER NUMBER

2155

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/615,183

Applicant(s)
Curley et al

Examiner
Philip B. Tran

Art Unit
2155



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 13, 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

In claim 1, line 9, "the" and "a" cannot stand next to each other. Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent. .

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 9-13, 16-18 and 21-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rich et al (Hereafter, Rich), U.S. Pat. No. 6,457,065.

Regarding claim 1, Rich teaches a method of optimizing the synchronization of data between a client computer having a client database and a server computer having a server

database (i.e., optimization for replication of objects between a client node having client database and server node having server database) [see Col. 2, Line 45 - Col. 3, Line 3], comprising :

receiving a plurality of data objects from the client computer and determining if a received data object is improperly received, wherein the determination of an improperly received data object is based upon the detection of a data transfer error (i.e., distributing objects between nodes and determining whether committing the modifications to replicated objects will result in an unacceptable data conflict) [see Abstract and Col. 4, Lines 25-39]; and

selectively transmitting a child object from the client computer to the server computer, only if no data transfer error was detected with respect to the a parent object associated with the child object (i.e., if no unacceptable data conflict will occur, then the modifications to replicated objects are committed with respect to parent object/child object relationship) [see Abstract and Figs. 4A-4B and Col. 4, Lines 55-64 and Col. 10, Lines 11-41 and Col. 11, Lines 20-67].

Claim 2 is rejected under the same rationale set forth above to claim 1. In addition, Rich further teaches assigning a status code to the data object received at the server computer (i.e., version status of the object) [see Col. 4, Lines 55-64 and Col. 12, Lines 33-41 and Col. 16, Lines 56-65].

Regarding claim 3, Rich further teaches the status code is assigned by the server computer [see Col. 12, Lines 20-26].

Regarding claim 9, Rich further teaches the method of claim 2, wherein the object hierarchy further comprises at least one grandchild object associated with the at least one child object and the at least one parent object, the method further comprising updating a status code of grandchild objects associated with child objects associated with the updated data object, the updated status code of the grandchild objects being based on the status code of the updated data object and selectively transmitting grandchild objects from the client computer to the server computer, the selection being based on the status code of the grandchild objects [see Col. 11, Line 15 - Col. 12, Line 41].

Claim 10 is rejected under the same rationale set forth above to claim 3.

Claim 11 discloses a computer-readable medium containing computer-readable instructions which, when executed by a computer, perform the method of any one of claims 2-10. Therefore, claim 11 is rejected under the same rationale set forth above to any one of claims 2-10.

Claim 12 discloses a computer-controlled apparatus for performing the method of any one of claims 2-10. Therefore, claim 12 is rejected under the same rationale set forth above to any one of claims 2-10.

Claim 13 is rejected under the same rationale set forth above to claim 2.

Claim 16 discloses a computer-readable medium containing computer-readable instructions which, when executed by a computer, perform the method of any one of claims 13-15. Therefore, claim 16 is rejected under the same rationale set forth above to any one of claims 13-15.

Claim 17 discloses a computer-controlled apparatus for performing the method of any one of claims 13-15. Therefore, claim 17 is rejected under the same rationale set forth above to any one of claims 13-15.

Claim 18 is rejected under the same rationale set forth above to claim 2.

Claim 21 discloses a computer-readable medium containing computer-readable instructions which, when executed by a computer, perform the method of any one of claims 18-20. Therefore, claim 21 is rejected under the same rationale set forth above to any one of claims 18-20.

Claim 22 discloses a computer-controlled apparatus for performing the method of any one of claims 18-20. Therefore, claim 22 is rejected under the same rationale set forth above to any one of claims 18-20.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-8, 14-15 and 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rich et al (Hereafter, Rich), U.S. Pat. No. 6,457,065 in view of Nori et al (Hereafter, Nori), U.S. Pat. No. 6,108,664.

Regarding claims 4-5, Rich further teaches status code is assigned by the server as disclosed above in claim 3. Rich does not explicitly teach the server assigns ID to the data object. However, the concept of object ID assigned by the server is well-known in the art as disclosed by Nori [see Abstract and Col. 8, Lines 53-60]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to assign ID to data objects in order to distinguish different types of data objects.

Regarding claim 6, Rich teaches replication or updating the data object and the child data object [see Col. 11, Line 15 - Col. 12, Line 41]. Rich does not explicitly teach updating ID of the object. However, the concept of object ID assigned by the server and updating object ID are well-known in the art as disclosed by Nori [see Abstract and Col. 8, Lines 53-60 and Col. 13, Lines 13-20]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to assign ID to data objects and updating objects ID because it would have enable to distinguish different types of data objects and synchronize objects in the two databases.

Claims 7-8 are rejected under the same rationale set forth above to claims 4-5

Claim 14 is rejected under the same rationale set forth above to claim 6.

Claim 15 is rejected under the same rationale set forth above to claim 7.

Claim 19 is rejected under the same rationale set forth above to claims 4-5.

Claim 20 is rejected under the same rationale set forth above to claim 7.

Other References Cited

6. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

- A) Zollinger et al, U.S. Pat. No. 5,999,947.
- B) Salkewicz et al, U.S. Pat. No. 5,970,502.
- C) Buchnan, U.S. Pat. No. 5,758,355.
- D) Mahajan et al, U.S. Pat. No. 6,226,650.
- E) Bauer et al, U.S. Pat. No. 5,884,325.

F) Sherman et al, U.S. Pat. No. 6,505,214.

G) Wu, U.S. Pat. No. 6,442,570.

7. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The Group fax phone number is (703) 746-7239.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PBT
Philip B. Tran
Art Unit 2155
Aug 08, 2003

